

## Article - Environment

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§9–211.

(a) (1) Except for a sanitary landfill that is subject to § 9–211.1 of this subtitle, and as provided in paragraph (2) of this subsection, before the Secretary issues a permit for a landfill, incinerator, or transfer station to any private person, the applicant for the permit shall:

(i) File with the Department a bond on the form that the Department provides; or

(ii) Deposit with the governing body of the local jurisdiction where the landfill, incinerator, or transfer station will be located cash, negotiable bonds of the federal government or this State, or any other security that the Department approves.

(2) The Secretary may adopt regulations to exempt any legitimate recycling or reclamation facility from the requirements of this section.

(b) (1) The obligation of a bond filed under this section shall be so conditioned as to be void on the closing of the landfill, incinerator, or transfer station in a manner that prevents erosion, health and safety hazards, nuisances, and pollution.

(2) The local governing body that receives a deposit of cash or other security under this section shall hold the security in trust in the name of the local jurisdiction to assure the closing of the landfill, incinerator, or transfer station in a manner that prevents erosion, health and safety hazards, nuisances, and pollution.

(c) A bond filed under this section shall be payable to the governing body of the political subdivision where the landfill, incinerator, or transfer station will be located.

(d) (1) Except as provided in paragraph (3) of this subsection, for a landfill:

(i) Unless otherwise required by federal law or regulation, a bond filed under this section shall be in the amount of \$10,000 for each acre of land to which the permit applies, but not less than \$250,000;

(ii) Cash deposited under this section shall be not less than the amount specified in item (i) of this paragraph; and

(iii) The market value of other security deposited under this section shall be not less than the amount specified in item (i) of this paragraph.

(2) For an incinerator or transfer station, the Department shall establish the amount of the security required by this section.

(3) (i) This paragraph does not apply to a rubble landfill.

(ii) For sanitary landfills that are restricted to acceptance of land clearing debris specified in regulations of the Department, a bond filed under this section shall be in the amount of \$2,000 for each acre of land to which the permit applies, with a minimum amount of security of \$25,000.

(e) Both the applicant for a permit and a corporate surety licensed to do business in this State shall execute any bond filed under this section.

(f) (1) Except as provided in paragraph (2) of this subsection, the term of any bond filed under this section and the time during which cash or other security must remain on deposit under this section is:

(i) The duration of the operation of the landfill, incinerator, or transfer station; and

(ii) An additional 5 years after the closing of the landfill, incinerator, or transfer station.

(2) If the Department has assurances that the landfill, incinerator, or transfer station has been closed in a manner that prevents erosion, health and safety hazards, nuisances, and pollution, the Department may release the security filed or deposited under this section before the end of the 5-year period specified in paragraph (1)(ii) of this subsection.

(g) (1) The obligation of the holder of a permit for a landfill, incinerator, or transfer station and of any corporate surety under the bond shall become due and payable and any cash, securities, or bond proceeds shall be applied to payment of the costs of properly closing a landfill, incinerator, or transfer station only if the Department:

(i) Notifies the permit holder and any corporate surety on the bond that the landfill, incinerator, or transfer station has not been closed in a manner that prevents erosion, health and safety hazards, nuisances, and pollution;

(ii) Specifies in the notice the deficiencies in the closing that must be corrected;

(iii) Gives the permit holder and the corporate surety a reasonable opportunity to correct the deficiencies and to close the landfill, incinerator, or transfer station in accordance with the regulations of the Department; and

(iv) Authorizes the local governing body to close the landfill, incinerator, or transfer station in accordance with the regulations of the Department.

(2) The local governing body shall use bond proceeds, cash, or the proceeds of other security to pay the cost of properly closing the landfill, incinerator, or transfer station.

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